

**CALIFORNIA HEALTH & SAFETY CODE
SECTIONS 12500-12726**

FIREWORKS

Chapter 1

GENERAL PROVISIONS AND DEFINITIONS

Sec.

- 12500.** Short title.
- 12501.** Definitions; effect.
- 12502.** Advertise.
- 12503.** Agricultural and wildlife fireworks.
- 12504.** Class 1 flammable liquid.
- 12505.** Dangerous fireworks.
- 12506.** Emergency signaling device.
- 12507.** End fuse.
- 12508.** Exempt fireworks.
- 12509.** Exporter.
- 12510.** Fire nuisance.
- 12511.** Fireworks.
- 12512.** Fireworks kit.
- 12513.** Importer.
- 12514.** Issuing authority.
- 12515.** Label of registration.
- 12516.** License.
- 12517.** Licensee.
- 12518.** Manufacturer.
- 12519.** Model rocket.
- 12520.** Model rocket engine.
- 12521.** Package.
- 12522.** Permit.
- 12523.** Person.
- 12524.** Public display of fireworks.
- 12525.** Pyrotechnic compositions.
- 12526.** Pyrotechnic device.
- 12527.** Pyrotechnic operator.
- 12528.** Retailer.
- 12529.** Safe and sane fireworks.
- 12530.** Salesman.
- 12531.** Sell.
- 12532.** Special effects.
- 12533.** Wholesaler.
- 12534.** Within this state.
- 12500.** This part shall be known and may be cited as the State Fireworks Law
- 12501.** Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

12502. Advertise

"Advertise" means an announcement publicly with any sign, card, or notice, or by any other means, on which appears a person's name or business name style offering to sell or transfer fireworks or pyrotechnic devices, or to cause a person's name or business name to be included in any classified advertisement or directory for the purpose of the sale or transfer of fireworks or pyrotechnic devices.

12503. Agricultural and wildlife fireworks

"Agricultural and wildlife fireworks" means fireworks designed and intended by the manufacturer to be used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both.

12504. Flammable liquid

"Flammable liquid" means any liquid whose flashpoint is 100° Fahrenheit, or less, when tested pursuant to Standard D56-70 of the American Society for testing and materials.

12505. Dangerous fireworks

(1) "Dangerous fireworks" includes all of the following:

(a) Any fireworks which contain any of the following:

(1) Arsenic sulfide, arsenates, or arsenites.

(2) Boron

(3) Chlorates, except:

(A) In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.

(B) In caps and party poppers.

(C) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.

(4) Gallates or Gallic acid.

(5) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).

(6) Mercury salts.

(7) Phosphorus (red or white except that red phosphorus is permissible

in caps and party poppers).

(8) Picrates or picric acid.

(9) Thiocyanates.

(10) Titanium, except in particle size greater than 100-mesh.

(11) Zirconium.

(b) Firecrackers.

(c) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.

(d) Roman candles, including all devices which discharge balls of fire into the air.

(e) Chasers, including all devices which dart or travel about the surface of the ground during discharge.

(f) Sparklers more than 10 inches in length or one-fourth of one inch in diameter.

(g) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, autofoolers, cigarette loads, exploding golf balls, and trick matches.

(h) Fireworks known as devil-on-the-walk, or any other fireworks which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.

(i) Torpedoes of all kinds which explode on impact.

(j) Fireworks kits.

(k) Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Board of Fire Services to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

12506. Emergency signaling device

"Emergency signaling device" means a pyrotechnic device designed and intended by the manufacturer to be used as such and which provides a reasonable degree of safety to the user and does not create a fire hazard when used according to the label of instructions.

12507. End fuse

"End fuse" means a fuse inserted into any fireworks or pyrotechnic device at the end as distinguished from the side of such item.

12508. Exempt fireworks

"Exempt fireworks" means any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

12509. Exporter

"Exporter" means any person who sells, consigns, or delivers fireworks located within this state for delivery, use, or sale out of this state.

12510. Fire nuisance

"Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire, or which may obstruct delay, or hinder, or may become the cause of any obstruction, delay, or hindrance, to the prevention or extinguishment of fire.

12511. Fireworks

"Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment.

The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

12512. Fireworks kit

"Fireworks kit" means any assembly of materials or explosive substances, which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would come within the definition of fireworks in Section 12511.

12513. Importer

"Importer" means any person who for any purpose does any of the

following:

(a) Brings fireworks into this state or causes fireworks to be brought into this state.

(b) Procures the delivery or receives shipments of any fireworks into this state.

(c) Buys or contracts to buy fireworks for shipment into this state.

12514. Issuing authority

"Issuing authority" means any person who has the responsibility of evaluating the application for, and issuing, the permits required by Section 12640.

12515. Label of registration

"Label of registration" means the label of registration of the State Fire Marshal.

12516. License

"License" means any nontransferable authorization granted by the State Fire Marshal to engage in any activity regulated by this part.

12517. Licensee

"Licensee" means any person 21 years of age or older holding a fireworks license issued pursuant to Chapter 5 (commencing with Section 12570).

12518. Manufacturer

"Manufacturer" means any person who manufactures, makes, constructs, fabricates, or produces any fireworks or pyrotechnic devices, but does not include any person who assembles or fabricates any sets or mechanical pieces for public displays of fireworks, or persons operating within the scope of public display or pyrotechnic operator licenses.

12519. Model rocket

"Model rocket" means any toy or educational device which weighs not more than 500 grams, including the engine and any payload, that is propelled by model rocket engines.

12520. Model rocket engine

"Model rocket engine" means a commercially manufactured, non-reusable rocket propulsion device which is constructed of a nonmetallic casing and solid propellant, wherein all of the ingredients are self-contained so as not to

require mixing or handling by the user and which have design and construction characteristics determined by the State Fire Marshal to provide a reasonable degree of safety to the user.

12521. Package

"Package" includes any case, container, or receptacle, used for holding fireworks, which is closed or sealed by tape, cordage, or by any other means.

12522. Permit

"Permit" means the nontransferable permission granted by the public agency having local jurisdiction to a licensee for the purposes of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged, or used, or the nontransferable permission granted by the public agency having local jurisdiction or by the State Fire Marshal to a licensee for the purpose of transporting fireworks.

12523. Person

"Person" means any person, co-partnership, organization, firm, corporation, association, or any combination thereof, or any city, county, city and county, and state, and shall include any of their employees and authorized representatives.

12524. Public display of fireworks

"Public display of fireworks" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks.

12525. Pyrotechnic compositions

"Pyrotechnic compositions" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere.

12526. Pyrotechnic device

"Pyrotechnic device" means any combination of materials, including pyrotechnic compositions, which, by the agency of fire, produce an audible, visual, mechanical or thermal effect designed and intended to be useful for industrial, agricultural, personal safety, or educational purposes.

The term "pyrotechnic device" includes, but is not limited to, agricultural and wildlife fireworks, model rockets, exempt fireworks, emergency signaling devices, and special effects.

12527. Pyrotechnic operator

"Pyrotechnic operator" means any licensed pyrotechnic operator, who by examination, experience, and training, has demonstrated the required skill and ability in the use and discharge of fireworks as authorized by the license granted.

12528. Retailer

"Retailer" means any person who, at a fixed place of business, sells, transfers, or gives fireworks to a consumer or user.

12529. Safe and Sane fireworks

"Safe and sane fireworks" means any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks".

12530. Salesman

"Salesman" means any person who, as an employee of a manufacturer or wholesaler, solicits, accepts, or receives an order for fireworks for a licensee or permittee.

12531. Sell

"Sell" means any arrangement between two or more persons as a result of which there is a transfer of property for a consideration.

12532. Special effects

"Special effects" means articles containing any pyrotechnic composition manufactured and assembled, designed, or discharged in connection with television, theater, or motion picture productions, which may or may not be presented before live audiences and any other articles containing any pyrotechnic composition used for commercial, industrial, education, recreation, or entertainment purposes when authorized by the authority having jurisdiction.

12533. Wholesaler

"Wholesaler" means any person, other than an importer, exporter, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale. It also includes any person who sells dangerous fireworks to public display permittees.

12534. Within this state

"Within this state" means within all territory within the boundaries of this state.

Chapter 2

EXCEPTIONS

12540. Application of provisions

The provisions of this part shall not apply to any of the following:

(a) Explosives regulated under Part 1 (commencing with Section 12000) of Division 11.

(b) Arms and handguns defined as firearms by the Federal Gun Control Act of 1968 as well as such devices and weapons classified under Section 12020 or 12301 of the Penal Code, including blank cartridge pistols of the type used at sporting events or theatrical productions.

(c) Research or experiments with rockets or missiles or the production or transportation of rockets or missiles by the Department of Defense of the United States, or by any agency or organization acting pursuant to a contract with the Department of Defense for the development and production of rockets or missiles.

(d) Paper caps which contain less than 0.25 grain of pyrotechnic composition per unit load.

12541. Local regulations

Nothing in this part authorizes the sale, use, or discharge of fireworks in any city, county, or city and county in which the sale, use, or discharge is otherwise prohibited or regulated by law or ordinance.

12541.1. Special districts, prohibition or regulation of sale, use, or discharge of fireworks by ordinance or regulation; prevalence of state, county, or city regulations

A special district which provides fire protection, prevention, or suppression services may adopt an ordinance or regulation to prohibit or regulate the sale, use, or discharge of fireworks within that special district.

If the county or city in which any area of the special district is located has adopted an ordinance or regulation to prohibit or regulate the sale, use, or discharge of fireworks within that county or city, the ordinance or regulation adopted by the county or city shall prevail over the ordinance or regulation adopted by the special district within any area of the special district which is within that county or city, and only the ordinance or regulation adopted by the county or city shall be operative in that area of the special district.

If any area of a special district encompasses lands which are a state

responsibility area, as defined in Sections 4125 and 4126 of the Public Resources Code, any regulation or prohibition of the state with respect to the sale, use, or discharge of fireworks within the state responsibility area shall prevail over any ordinance or regulation of the special district within that area.

Chapter 3

ADMINISTRATION

Sec.

12550. State Fire Marshal.

12551. Deputies and employees.

12552. Rules and regulations; adoption.

12553. Classification of new types of fireworks or pyrotechnic devices.

12554. Rules and regulations; duration.

12555. Examination of books and records; inspection of premises by fire marshal.

12556. Blank

12557. Blank.

12558. Inspection by issuing authority.

12550. State Fire Marshal

The State Fire Marshal shall enforce and administer this part.

12551. Deputies and employees

The State Fire Marshal shall appoint such deputies and employees as may be required to carry out the provisions of this part.

12552. Rules and regulations; adoption

The State Fire Marshal shall adopt such regulations relating to fireworks as may be necessary for the protection of life and property not consistent with the provisions of this part. Such regulations shall include, but not be limited to, provisions for the following:

- (a) Granting of licenses and permits for the manufacture, wholesale, import, export, and sale of all classes of fireworks.
- (b) Classification of fireworks and pyrotechnic devices.
- (c) Registration of employees of licensees.
- (d) Licenses and permits required for presentation of public displays.
- (e) Granting of licenses and permits for research or experimentation with experimental or model rockets and missiles.
- (f) Investigation, examination, and licensing of pyrotechnic operators of all classes.
- (g) Registration of emergency signaling devices and the classification and use of exempt fireworks.
- (h) Transportation of all classifications of fireworks, model rockets,

emergency signaling devices, and exempt fireworks.

12553. Classification of new types of fireworks or pyrotechnic devices

The State Fire Marshal shall also adopt regulations for classification of any new type of fireworks or pyrotechnic devices which have not been classified prior to January 1, 1974 and for the regulation of such fireworks in accordance with the provisions of this part.

12554. Rules and regulations; duration

The regulations adopted by the State Fire Marshal relating to fireworks and in existence on January 1, 1974 shall continue thereafter to be in effect as regulations of the State Fire Marshal until amended or repealed pursuant to the provisions of this

12555. Examination of books and records; inspection of premises by fire MARSHAL

The State Fire Marshal or his salaried deputies may make an examination of the books and records of any licensee or permittee relative to fireworks, and may visit and inspect any building or other premises subject to the control of, or used by, the licensee or permittee for any purpose related to fireworks of any licensee or permittee at any time he may deem necessary for the purpose of enforcing the provisions of this part.

12558. Inspection by issuing authority

The licensee or permittee shall permit the chief of the issuing authority, or his authorized representatives, as qualified in Section 12721, to enter and inspect any building or other premises subject to the control of or used by the licensee or permittee for any purpose related to fireworks at any time for the purpose of enforcing the provisions of this part.

Chapter 4

CLASSIFICATION OF FIREWORKS AND PYROTECHNIC DEVICES

Sec.

- 12560. Classification; necessity.
- 12561. Classification as dangerous fireworks.
- 12562. Classification as safe and sane fireworks.
- 12563. Classification as agricultural and wildlife fireworks.
- 12564. Classification as exempt fireworks.
- 12565. Classification as model rocket engines.
- 12566. Classification as emergency signaling devices.
- 12567. Fireworks previously classified as safe and sane.
- 12568. Stamping and labeling.
- 12569. Examination and classification limited to fireworks submitted by valid licensees.

12560. Classification; necessity

The State Fire Marshal shall classify all fireworks and pyrotechnic devices in accordance with the provisions of this chapter. No fireworks or pyrotechnic devices shall be imported, sold, or offered for sale prior to the examination and classification by the State Fire Marshal.

12561. Classification as dangerous fireworks

All fireworks examined by the State Fire Marshal and determined by him to come within the definition of "dangerous fireworks" in Section 12505 shall be classified as dangerous fireworks.

12562. Classification as safe and sane fireworks

All fireworks examined by the State Fire Marshal and determined by him to come within the definition of "safe and sane fireworks" in Section 12529 shall be classified as safe and sane fireworks.

12563. Classification as agricultural and wildlife fireworks

All fireworks examined by the State Fire Marshal and determined by him to come within the definition of "agricultural and wildlife fireworks" in Section 12503 shall be classified as agricultural and wildlife fireworks.

12564. Classification as exempt fireworks

All fireworks examined by the State Fire Marshal and determined by him to come within the definition of "exempt fireworks" in Section 12508 shall be classified as exempt fireworks.

12565. Classification as model rocket engines

All fireworks or toy propellant devices containing pyrotechnic compositions examined by the State Fire Marshal and found by him to come within the definition of "model rocket" or "model rocket engine" in Section 12519 or 12520, respectively, shall be classified as model rocket engines.

12566. Classification as emergency signaling devices

All pyrotechnic devices examined by the State Fire Marshal and found by him to come within the definition of "emergency signaling devices" in Section 12506 shall be classified by the State Fire Marshal as emergency signaling devices.

12567. Fireworks previously classified as safe and sane

Those fireworks classified by the State Fire Marshal as safe and sane prior to January 1, 1974 may continue to bear that designation and may be sold as safe and sane fireworks until 12 noon on July 6, 1974. All fireworks previously designated as safe and sane which are offered for sale or sold during the 1974 retail license year and thereafter shall bear the State Fire Marshal label with the classification of safe and sane fireworks.

12568. Stamping and labeling

The manufacturer, importer, or wholesaler shall stamp or label each case or carton of dangerous fireworks offered for sale, sold, consigned, or delivered within the state for sale or use within this state as dangerous fireworks. Each package of safe and sane fireworks shall be marked as safe and sane fireworks and shall bear the State Fire Marshal's classification label and licensee's registration number.

12569. Examination and classification limited to fireworks submitted by valid licensees

Except as provided in Section 12637 and pursuant to the provisions of Sections 12560 and 12581, fireworks or pyrotechnic devices examined and classified by the State Fire Marshal shall be submitted by manufacturers, wholesalers, and importers and exporters holding a valid license only.

Chapter 5

LICENSES

Article 1

TYPES OF LICENSES

Sec.

- 12570. Power to issue license.
- 12571. Manufacturer's license.
- 12572. Wholesaler's license.
- 12573. Importer's and exporter's license.
- 12574. Retail sales license.
- 12575. Public display license (special).
- 12576. Public display license (general).
- 12577. Public display license (limited).
- 12578. Pyrotechnic operator license.
- 12579. Transportation.

12570. Power to issue license

The State Fire Marshal may issue any license described in this part, subject to the regulations which he may adopt not inconsistent with the provisions of this part.

12571. Manufacturer's license

A manufacturer's license shall allow the manufacture of fireworks and other pyrotechnic devices of all types and the sale and transport to licensed wholesalers in California only and the sale to special effects pyrotechnic operators of materials and devices for which such pyrotechnic operators hold a valid permit.

12572. Wholesaler's license

A wholesaler's license allows the sale and transportation of all types of fireworks to licensed retailers, or retailers operating under a permit, licensed public display operators, and other licensed wholesalers in California only and sale to special effects pyrotechnic operators holding a valid permit and sale of exempt fireworks to those industrial and commercial concerns that possess a valid permit from the local agency having jurisdiction in the area where such fireworks are to be used or stored.

12573. Importer's and exporter's license

An importer's and exporter's license shall allow fireworks to be imported into and exported from the state. Import activity shall be limited to the sale of fireworks to licensed wholesalers and licensed manufacturers only. Export activity shall be limited to the sale of fireworks to persons outside of the state. Holders of this type of license shall not be issued or possess a

public display license of any type without first securing a wholesaler's license. This section shall not require a license for a motion picture production company to transport or deliver special effects from within the state to a destination outside of the state.

12574. Retail sales license

A retail sales license allows the retail sale of safe and sane fireworks for private

12575. Public display license (special)

A public display (special) license allows the holding and conducting at various times of public displays of dangerous fireworks at a single location only.

12576. Public display (general)

A public display license (general) allows the holding and conducting of public displays of dangerous fireworks at various locations and at various times.

12577. Public display license (limited)

A public display license (limited) allows the performance of a single public display action of a single nature with dangerous fireworks at one location to be executed at one or more performances or exhibitions.

12578. Pyrotechnic operator license

The State Fire Marshal shall adopt regulations that identify and specify the scope of each class of pyrotechnic operator license. A pyrotechnic operator license shall allow the licensee to handle, supervise, or discharge dangerous fireworks at public displays of all types, and to handle, supervise, or discharge rockets and special effects pyrotechnic devices which produce an audible or visual effect in connection with group entertainment or motion picture productions which may or may not be held before live audiences.

12579. Transportation

All licensees may transport the class of fireworks for which they hold a valid license as provided in Section 12651.

Article 2

ISSUANCE, REVOCATION AND RENEWAL

Sec.

- 12580. Power to issue and renew.
- 12581. Application; forms. Applications; signature.
- 12583. Salesman or employees; age restriction.
- 12584. Blank
- 12585. Withdrawal of application.
- 12586. Disciplinary action.
- 12587. Written report as grounds for denial.
- 12588. Denial of application after prior denial.
- 12589. Void applications.
- 12590. Revocation; grounds.
- 12591. Suspension pending investigation.
- 12592. Right of hearing.
- 12593. Hearings; procedure.
- 12594. Time reports and payments deemed made.
- 12595. Fee for fiscal year.
- 12596. License for half year.
- 12597. Application for renewal; penalty.
- 12598. Failure to renew; surrender of license.
- 12599. Safe and sane fireworks; time of sale.
- 12600. License nontransferable.
- 12601. Expiration of license upon failure to renew.
- 12602. License requirements; exemptions.
- 12603. Television, motion picture or theater productions; manufacturer's license not required.
- 12604. Disposal of fireworks after revocation or surrender of license.
- 12605. Violation of provisions of this part.
- 12606. Charge of violations to be filed with State Fire Marshal.
- 12607. Persons convicted of certain felonies; denial of license.
- 12608. Employees of licensee convicted of felonies; restrictions.
- 12609. Repealed.
- 12610. Liability insurance for public display of fireworks; amount.
- 12611. Certificate of insurance; contents.

12580. Power to issue and renew

The State Fire Marshal may issue and renew licenses for the manufacture, import, export, sale, and use of all fireworks and pyrotechnic devices in this state.

12581. Application; forms

Any person who desires to manufacture, import, export, sell or use fireworks, shall first make written application for a license to the State Fire Marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

12582. Applications; signature

The application for a license shall be signed by the applicant. If the application is made by a partnership, it shall be signed by each partner of the partnership. If the application is made by a corporation, it shall be signed by an officer of the corporation and bear the corporation's seal.

12583. Salesmen or employees; age restrictions

The authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen or other employees of such person who are registered with the State Fire Marshal. The sales personnel and other employees of licensed retailers, however, need not be registered with the State Fire Marshal. No person under the age of 18 shall sell, or handle for sale, any classification of fireworks.

12585. Withdrawal of application

Any applicant may withdraw his application for a license or renewal of a license and the State Fire Marshal may allow the withdrawal when he has determined that it is in the best interest of public safety or the administration of this part.

12586. Disciplinary action

The suspension, expiration, or forfeiture by operation of law of a license issued by the State Fire Marshal, or its suspension, forfeiture, or cancellation by order of the State Fire Marshal or by a court of law, or its surrender to the State Fire Marshal shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the State Fire Marshal of his authority to institute or continue disciplinary action against the licensee upon any ground provided by law, or to enter an order suspending or revoking a license or otherwise taking disciplinary action against the licensee on any such ground.

12587. Written report as grounds for denial

A written report by the State Fire Marshal, any of his deputies, or salaried assistants, or by the chief of any city or county fire department or fire protection district or their authorized representatives, disclosing that the applicant for a license or for renewal of a license does not meet, or the premises for which the license is required do not meet, the qualifications or conditions for such license as required by this part or regulations adopted pursuant to this part, may constitute grounds for denial of any application for the license or renewal of the license.

12588. Denial of application after prior denial

The State Fire Marshal may deny, without hearing an application for a license or renewal of a license, if within one year prior to the date of

application, the State Fire Marshal has denied or revoked a license after proceedings conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code for the same applicant on the ground of violation of this part.

12589. Void applications

The application for any license shall become void when any of the following occurs:

- (a) The State Fire Marshal has notified the applicant to appear for examination and the applicant fails to appear or fails to submit a written statement of just cause for not appearing.
- (b) The applicant fails to achieve a passing score on a required examination. A minimum qualifying score shall be established by regulations pursuant to this part.
- (c) The applicant has not submitted documentary evidence of his qualifications as required by regulations adopted pursuant to this part.
- (d) The applicant has failed to submit evidence of insurability as required by this part.
- (e) The applicant withdraws his application prior to an investigation by the State Fire Marshal to determine if the license shall be issued.
- (f) The license is denied after a hearing is conducted as provided by this part.
- (g) The applicant has made misrepresentations or filed false statements.

12590. Revocation or denial; grounds

The State Fire Marshal may deny or revoke any license issued pursuant to this part if the State Fire Marshal finds any of the following conditions has occurred:

- (a) The licensee has failed to pay the annual renewal license fee provided in this chapter.
- (b) The licensee or license applicant has violated any provisions of this part or any regulations adopted by the State Fire Marshal pursuant to this part.
- (c) The licensee or license applicant has created or caused a fire nuisance.
- (d) The licensee has failed to keep full, complete, and accurate records or failed to file any required reports.

(e) Any fact or condition exists which, if it had existed at the time of the original application for the license reasonably would have warranted the State Fire Marshal in refusing originally to issue the license.

(f) The permit issued under Section 12640 has been rescinded or revoked by the issuing authority.

(g) Any licensee or license applicant has refused to make available to the State Fire Marshal full, complete, and accurate records.

12591. Suspension pending investigation

The State Fire Marshal may, upon three days notice, suspend any license for a period not exceeding 30 days pending investigation of any violation of the provisions of this part.

12592. Right of hearing

Any applicant who has been denied a license or renewal of a license, or any licensee who has had a license suspended, shall be entitled to a hearing in accordance with the provisions of this part.

12593. Hearings; procedure

Except where otherwise provided in this part, all hearings under this part shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

12594. Time reports and payments deemed made

Reports on fireworks transactions or the payment of license fees or penalties required by this part shall be deemed to have been made or paid at the time they are filed with, or paid to, the State Fire Marshal, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

12595. Fee for fiscal year

Except as otherwise provided in Section 12599, on and after July 1, 1974, the original and annual license fee shall be for the fiscal year beginning July 1 and ending June 30 of the following year, or for the remaining portion of such fiscal year if the license is issued after the beginning of that fiscal year.

12596. License for half year

Any person or organization may obtain any license required by this part between January 1, 1974, and June 30, 1974, to be effective for that period only.

12597. Application for renewal; penalty

Application for renewal of a license shall be made during the license renewal period in the current license year in order to renew a license for the next following license year. The license renewal period shall begin on January 1 and end May 1 preceding the license year for which renewal is requested. A penalty of 50 percent of the basic license fee shall be assessed in all cases where the renewal fees are not paid on or before May 1, preceding the license year for which renewal is requested. This section shall not apply to retail sales licenses.

12598. Failure to renew; surrender of license

Every licensee who fails to renew his or her license by the time the license expires shall surrender the license to the State Fire Marshal within 10 days after the license expires.

12599. Safe and sane fireworks; time of sale

A retail license shall authorize a retail sale of safe and sane fireworks within this state only during the period of 12 noon on the 28th of June through 12 noon on the 6th of July of the same calendar year and such license shall expire at the end of such period. No retail license shall be issued for the license period defined in this section unless the application for such license is received by the State Fire Marshal on or before June 15 preceding the license period. A new retail sales license shall be required annually for the period specified in this section.

12600. License nontransferable

Except as provided in Section 12583, the authority to perform any acts permitted by a license issued under this part shall be limited to the licensee and shall not be transferable.

12601. Expiration of license upon failure to renew

Except as provided in Section 12599, any license not renewed in accordance with the provisions of this part shall automatically expire at 12 midnight on June 30 of each year.

12602. License requirements; exemptions

A license shall not be required for the retail sale, use, or discharge of agricultural and wildlife fireworks, model rocket engines, or emergency signaling devices.

12603. Television, motion picture or theater productions; manufacturer's license

not required

No person or employee holding a pyrotechnic license shall be required to obtain a manufacturer's license to design, assemble, compound, use, discharge, fabricate, construct, or erect any fireworks of any class or any combination thereof when such person or employee of such person is engaged in the business of producing television, motion picture, theater, or opera productions if the fireworks are for a specific use in a particular production or are used to maintain a reasonable inventory of special effects by a special effects independent contractor.

12604. Disposal of fireworks after revocation or surrender of license

Following the revocation or voluntary surrender of a license, or failure to renew his license, any person in lawful possession of lawfully acquired fireworks for which a license is required may sell or otherwise dispose of such fireworks only under supervision of the State Fire Marshal and in such a manner as he shall provide by regulations and solely to persons who are authorized to buy, possess, sell, or use such fireworks. Such disposal shall be accomplished not later than 90 days from the legal revocation, voluntary surrender, or day that the license expires. Any person possessing fireworks pursuant to this section shall report the disposition of such fireworks to the local authority who issued the storage permit within the time period specified by this section.

12605. Violation of provisions of this part

Any person found guilty of violating any of the provisions of this part is not eligible to apply for a new license, apply for a renewal of a license, or take an examination for any license for a period of one year from the date of any conviction. The State Fire Marshal may waive the provisions of this section when he finds to granting of a license will not endanger public safety.

12606. Charge of violations to be filed with State Fire Marshal

Any charges against applicants for a license or against licensees which would be cause for the State Fire Marshal to initiate proceedings for revocation or denial of a license shall be filed with the State Fire Marshal within three years of the alleged act or omission.

12607. Persons convicted of certain felonies; denial of license

The State Fire Marshal may deny the application for a license or the application for renewal of a license filed by any person who has been convicted of a felony involving explosives or dangerous fireworks or who has been convicted as a principal or accessory in a crime against property involving arson or any other fire-related offense contained in Chapter I (commencing with Section 447a) of Title 13 of Part 1 of the Penal Code.

12608. Employees convicted of felony; authority to perform acts

The authority to perform those acts conferred upon the employee of a licensee as provided for in Section 12583 may be denied to any person who has been convicted of a felony.

12610. Liability insurance for public display of fireworks; amount

Notwithstanding any of the provisions of the law which may require a certificate of insurance as a condition for a permit to hold a general, special, or limited public display, any person, firm, or corporation applying for a public display license shall furnish to the State Fire Marshal a policy of public liability and property damage insurance, with limits, as determined by the State Fire Marshal, which are reasonably necessary to cover possible liability for damage to property and bodily injury or damage to persons which may result from, or be caused by, the public display of fireworks, or any negligence on the part of the licensee or his or her or its agents, servants, employees, or subcontractors presenting the public display.

12611. Certificate of insurance; contents

The certificate of insurance shall provide all of the following:

(a) That the insurer will not cancel the insured's coverage without 15 days prior written notice to the State Fire Marshal.

(b) That the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of California, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned.

(c) That the state shall not be responsible for any premium or assessments on the policy.

Article 4

REPORTS

Sec.

12615. Records; maintenance and availability.

12616. Report of theft or loss.

12617. Notification to fire authorities of theft or loss.

12618. License numbers on papers covering sales or shipments.

12619. Reports to be filed by import and export licensees; contents.

12620. Supplemental reports.

12615. Records; maintenance and availability

All licensees, except retailers, shall maintain and make available to the State Fire Marshal full and complete, true, and accurate records showing all production, imports, exports, purchases, sales, or other disposition or consumption of fireworks by kind and class whether dangerous, safe and sane, or agricultural and wildlife fireworks.

12616. Report of theft or loss

The licensees shall report any theft or loss of fireworks to the State Fire Marshal within 24 hours after the discovery of the theft or loss. The report shall show the quantity, type and kind, classification of fireworks and the location where the loss occurred .

12617. Notification to fire authorities of theft or loss

In the event of the theft or loss of any fireworks or pyrotechnic devices, the State Fire Marshal shall notify the fire authorities in the location where the theft or loss occurred and the fire authorities shall cooperate with the State Fire Marshal in conducting a joint investigation of the circumstances.

12618. License numbers on papers covering sales or shipments

Each bill of lading, manifest, and invoice issued to cover the sale and shipment of fireworks shall bear the license number of both the seller or shipper and buyer or receiver.

12619. Reports to be filed by import and export licensees; contents

All import and export licensees shall file a notice with the State Fire Marshal prior to the arrival of any class of fireworks subject to the license he holds. The notice shall state all of the following:
(a) Estimated date of arrival.

- (b) Type, kind, and quantity of fireworks.
- (c) Name of carrier.
- (d) Point of origin and bill of lading number.
- (e) Name and address of consignee.
- (f) Load number or other identification carton marks.

12620. Supplemental reports

In addition to the report required under this part, the State Fire Marshal may by regulation require such additional reports from licensees or permittees as are necessary to carry out the purposes of this part, and prescribe the form, including verification of the information to be given when filing such additional reports.

Article 5

FEES

Sec.

- 12630.** Establishment and collection of original and annual renewal fees.
- 12631.** Agricultural and wildlife fireworks; establishment and collection of fee.
- 12632.** Model rocket engines; amount of fee.
- 12633.** Registration of model or emergency signaling device; fee.
- 12634.** Dual licensing.
- 12635.** California fireworks licensing fund; deposit of moneys collected.
- 12636.** Certification of records and documents; fee.
- 12637.** Nonlicense manufacturers; fee for examination of products.

12630. Establishment and collection of original and annual renewal fees

The State Fire Marshal shall establish and collect the original and annual renewal fees for fireworks licenses required by this chapter. The fees shall not exceed the amount necessary to cover the costs incurred in the administration and enforcement of this part.

12631. Agricultural and wildlife firework; establishment and collection of

The original and annual renewal license fee to manufacture, import, export, or wholesale, or any combination thereof, agricultural and wildlife fireworks shall be established and collected by the State Fire Marshal.

12632. Model rocket engines; establishment and collection fee

The original and annual renewal license fee to manufacture; import, export, or wholesale, or any combination thereof, model rocket engines shall be established and collected by the State Fire Marshal.

12633. Registration of model of emergency signaling device; fee

The original and annual renewal application for registration of each model of emergency signaling devices shall be made to the State Fire Marshal. A registration fee established and collected by the State Fire Marshal for each model of signaling device shall accompany each application.

12634. Dual licensing

When a license to manufacture, wholesale, or import and export fireworks has been issued pursuant to Section 12571, 12572, or 12573, respectively, a separate license for the same person to manufacture, wholesale, import, or export agricultural and wildlife fireworks or model rocket engines pursuant to Section 12631 or 12632 shall not be required where the license allows such activity with respect to other fireworks.

12635. California fireworks licensing fund; deposit of money collected

The California Fireworks Licensing Fund is hereby established in the State Treasury. All of the moneys collected pursuant to this part shall be deposited in the fund and those moneys shall be available, when appropriated by the Legislature, to the State Fire Marshal to carry out the provisions of this part.

12636. Certification of records and documents; fee

Except as otherwise provided by law, the State Fire Marshal shall charge a fee in the amount of five dollars (\$5) for each certified copy of any record, document, or paper in his custody, or for certification of any document representing the content of any such record, document, or paper.

12637. Nonlicensed manufacturers; fee for examination of products

All fireworks or pyrotechnic devices intended for sale in this state, which are products of nonlicensed manufacturers, shall be examined and classified by the State Fire Marshal upon written application on forms provided by him. Such application shall be accompanied by a fee as follows:

(a) Ten dollars (\$10) for each label of an item of identical size and design of a given lot or batch, provided that the lot or batch is identifiable by a code, serial number, shipment lot, case cargo number, etc.

A separate application and fee shall be submitted for each lot or batch. The State Fire Marshal seal and the wholesalers or importers registration number shall not be imprinted on the label until the lot or batch has been examined and classified.

Chapter 6

PERMITS

Sec.

- 12640. Necessity of permit.
- 12641. Safe and sane fireworks; emergency signaling devices; permit not
- 12642. Duration of permit.
- 12643. Application .
- 12644. License as prerequisite.
- 12645. Investigation and report.
- 12646. Grant or denial of permit.
- 12647. Delegation of power to grant or deny application; appeal from denial;
- 12648. Application for permit for public display of fireworks; investigation.
- 12649. Submission of license; proof of compensation insurance.
- 12650. Lawful sale to permittee.
- 12651. Transportation of fireworks or pyrotechnic devices; approved routes.
- 12652. Transportation permit.
- 12653. Application for transportation permit.
- 12654. Carriers not required to obtain transportation permit.

12640. Necessity of permit

In any case where this chapter requires that a permit be obtained from the State Fire Marshal, or in any case where the public agency having local jurisdiction requires pursuant to this chapter that a permit be obtained, any licensee shall possess a valid permit before performing any of the following:

(a) Manufacturing, importing, exporting, storing, possessing, or selling dangerous fireworks at wholesale.

(b) Manufacturing, importing, exporting, storing, selling at wholesale and retail safe and sane fireworks and transporting safe and sane fireworks, except that a transportation permit shall not be required for safe and sane fireworks possessed by retail licensees.

(c) Manufacturing, importing, exporting, possessing, storing, transporting, using, selling at wholesale and retail, those fireworks classified by the State Fire Marshal as agricultural and wildlife fireworks.

(d) Manufacturing, importing, exporting, possessing, storing, selling at wholesale and retail, model rocket engines.

(e) Discharging dangerous fireworks at any place, including a public display.

(f) Using special effects.

12641. Safe and sane fireworks; emergency signaling devices: permit not required

A permit, as provided in this part, shall not be required of any person to transport, purchase at retail, or use safe and sane fireworks, or to purchase at retail, use, or transport registered emergency signaling devices.

12642. Duration of permit

The effective period of the permit shall be defined in the permit and in no case shall the period of the permit exceed the valid period of the license. This section shall not prohibit the revocation of the permit by the issuing authority for just cause where a fire nuisance exists or where personal injury may occur.

12643. Application

Any licensee desiring to do any act specified in Section 12640 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other issuing authority which may be designated by the governing body of the city or county. In the event there is no such officer or person appointed within the area, application shall be made to the State Fire Marshal or his deputy. Applications for permits shall be made in writing at least 10 days prior to the proposed act.

12644. License as prerequisite

The issuing authority shall not accept an application for a permit from any person who does not possess, and present at the time of application, evidence of a valid license to perform those acts specified on the application for the permit. When a license is not required for specific acts, the issuing authority may prescribe such reasonable conditions to qualify the applicant to receive a permit and provide for the public safety.

12645. Investigation and report

The officer to whom the application for a permit is made shall undertake an investigation and submit a report of his findings and his recommendation concerning the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. The applicant for a permit to conduct a public display shall file a certificate evidencing the possession of a valid public display license with the officer making the investigation.

12646. Grant or denial of permit

The governing body may grant or deny the permit, subject to such

reasonable conditions, if any, as it shall prescribe.

12647. Delegation of power to grant or deny application; appeal from denial; action by board

The governing body may delegate the power to grant or deny the permit to the issuing authority to whom the application is made. In such case, the governing body shall also provide for a hearing by the governing body by which an applicant may appeal a denial of the permit. The governing body may, after such a hearing, reverse, modify, or sustain the denial.

12648. Application for permit for public display of fireworks; investigation

The officer to whom the application for a permit for a public display of fireworks is made shall make an investigation to determine whether such a display as proposed will be of such character or so located that it may be hazardous to property or dangerous to any person. He shall, in the exercise of reasonable discretion, recommend granting or denying the permit, subject to such conditions as he may prescribe.

12649. Submission of license; proof of compensation insurance

The applicant for a permit for any public display of fireworks shall, at the time of application, submit his license for inspection and furnish proof that he carries compensation insurance for his employees as provided by the laws of this state.

12650. Lawful sale to permittee

When a permit for the public display of fireworks is granted, the sale, possession, transportation, and use of fireworks for the public display is lawful for that purpose only. The permit to hold a public display shall authorize the transportation of public display fireworks between the approved routes, as specified in Section 12651, and the public display site.

12651. Transportation of fireworks or pyrotechnic devices; approved routes

Any person holding a valid license for the manufacture, wholesale, or import and export of dangerous fireworks or pyrotechnic devices may transport any class of fireworks or pyrotechnic devices authorized by such license. Persons holding a special effects pyrotechnic operators license may transport special effects fireworks, but the transportation of fireworks by all other pyrotechnic operator licensees shall not be permitted. The authority granted to the licensee to transport fireworks is limited to traveling upon the approved routes for the transportation of explosives designated as provided in Section 31616 of the Vehicle Code and equip and maintain any vehicle used to transport fireworks as required by Section 31610 of the Vehicle Code. It is the intent of the Legislature by this section to require the

maximum use of the approved routes in the delivery of fireworks to the point of destination.

12652. Transportation permit

When traveling between the approved routes, as specified in Section 12651, and the point of destination the licensee shall possess a transportation permit from the local fire authority having jurisdiction over the boundaries in which the off-route travel occurs. A transportation permit is not required for public display fireworks as provided in Section 12650.

12653. Application for transportation permit

The application for a transportation permit shall be submitted to the State Fire Marshal for the transportation of any quantity of fireworks where such transportation is outside the boundaries of the issuing authority having jurisdiction at the point of origin or such shipment originates within this state and is transported out of this state.

The application for a transportation permit as required by this section shall be approved by the issuing authority having jurisdiction at the place where the shipment originates before the State Fire Marshal shall issue such transportation permit. No further permits shall be required by issuing authorities other than the authority at the point of origin where the State Fire Marshal has issued a permit pursuant to this section.

12654. Carriers not required to obtain transportation permits

A transportation permit shall not be required by this part for public carriers or private carriers who each hold a valid license or permit issued pursuant to the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code or Division 11 (commencing with Section 12000) of the Health and Safety Code.

Chapter 7

VIOLATIONS

Sec.

- 12670. Advertising involving fireworks or pyrotechnic devices.
- 12671. Unclassified and unregistered fireworks.
- 12672. Safe and sane fireworks; time of sale.
- 12673. Storage of fireworks.
- 12674. Revoked or surrendered licenses; storage or possession of fireworks.
- 12675. Failure to record license number on sales and shipments.
- 12676. Dangerous fireworks; sale or transfer to one not a permittee.
- 12677. Possession of dangerous fireworks without a permit.
- 12678. Use or discharge of agricultural and wildlife fireworks without a permit.
- 12679. Storage, sale or discharge of fireworks near flammable liquids.
- 12680. Discharge of fireworks where likelihood of injury to other person.
- 12681. Safe and sane fireworks; sale; place of business.
- 12682. Fire nuisance.
- 12683. Unregistered emergency signaling device; sale or use.
- 12684. Use of emergency signaling devices.
- 12685. Public display; permit required.
- 12686. Special effects fireworks; use.
- 12687. Special effects fireworks; sale or transfer.
- 12688. Advertising to sell or transfer fireworks.
- 12689. Sale or delivery to persons under 18 years of age.
- 12690. Expired license or permit.
- 12691. Regulations adopted by State Fire Marshal; violation of.
- 12692. Operations or functions of licensed pyrotechnic operator holding special

e

12670. Advertising involving fireworks or pyrotechnic devices

It is unlawful for any person to advertise that he is in any business or venture involving fireworks or pyrotechnic devices or shall cause his name or business name style to be included in any classified advertisement or directory under a classification which includes the word fireworks, unless he is licensed pursuant to this part.

12671. Unclassified and unregistered fireworks

It is unlawful for any person to sell, offer for sale, use, discharge, possess, store, or transport any type of fireworks within this state unless the State Fire Marshal has classified and registered such fireworks.

12672. Safe and sane fireworks; time of sale

It is unlawful for any person to sell, or offer for sale, safe and sane fireworks at any time outside of the period specified in Section 12599.

12673. Storage of fireworks

It is unlawful for any person to store any fireworks without having in his possession a valid permit as required by this part.

12674. Revoked or surrendered licenses; storage or possession of fireworks

It is unlawful for any person to store or possess any fireworks for which a license is required and which has been revoked or surrendered or any license which has not been renewed and such storage or possession is held beyond the period provided for in Section 12604.

12675. Failure to record license number on sales and shipments

It is unlawful for any person to fail to record on each bill of lading, manifest or invoice issued to cover the sale or shipment of fireworks, the license number of both the seller or shipper and the buyer or receiver; unless the sale or shipment is made to nonlicensees in accordance with the provisions of his license.

12676. Dangerous fireworks; sale or transfer to one not a permittee

It is unlawful for any person to sell, transfer, give, deliver, or otherwise convey title of any dangerous fireworks, including fireworks kits, to any person in this state who does not possess and present to the seller or donor for inspection at the time of transfer, a valid permit to receive, use, or transport dangerous fireworks as provided in this part.

12677. Possession of dangerous fireworks without a permit

It is unlawful for any person to possess dangerous fireworks without holding a valid permit.

12678. Use or discharge of agricultural and wildlife fireworks without a permit

It is unlawful for any person to use or discharge agricultural and wildlife fireworks without first securing a permit as provided in this part.

12679. Storage, sale or discharge of fireworks near flammable liquids

It is unlawful for any person to store, sell, or discharge any type of fireworks in or within 100 feet of a location where gasoline or any other flammable

liquids are stored or dispensed.

12680. Discharge of fireworks where likelihood of injury to other person

It is unlawful for any person to place, throw, discharge or ignite, or fire dangerous fireworks at any person or group of persons where there is a likelihood of injury to any such person.

12681. Safe and sane fireworks; sale; place of business

It is unlawful for any person to sell or transfer any safe and sane fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit has been issued.

12682. Fire nuisance

It is unlawful for any person to allow or permit a fire nuisance, as defined in Section 12510, to exist on any premises where any fireworks are manufactured, sold, assembled, discharged, packaged, stored, or distributed. The authority to determine that a fire nuisance exists shall be vested in those officers identified in Section 12721.

12683. Unregistered emergency signaling device; sale or use

It is unlawful for any person to sell, use, or discharge any emergency signaling device not registered by the State Fire Marshal.

12684. Use of emergency signaling devices

It is unlawful for any person to use or discharge any registered emergency signaling device in any manner other than that permitted by the instructions for use.

12685. Public display; permit required

It is unlawful for any person to conduct a public display without possessing a valid permit for this purpose.

12686. Special effects fireworks; use

It is unlawful for any person to use any special effects fireworks unless he possesses a pyrotechnic operator license.

12687. Special effects fireworks; sale or transfer

It is unlawful for any person to sell, transfer, give, or deliver any special effects fireworks to any person not licensed as a pyrotechnic operator.

12688. Advertising to sell or transfer fireworks

It is unlawful for any person to advertise to sell or transfer any class of fireworks, including agricultural and wildlife fireworks or model rocket engines, unless he possesses a valid license or permit.

12689. Sale or delivery to persons under 18 years of age

(a) It is unlawful for any person to sell, give, or deliver any dangerous fireworks to any person under 18 years of age.

(b) It is unlawful for any person who is a retailer to sell or transfer any safe and sane fireworks to a person who is under 16 years of age.

(c) Except as otherwise provided in subdivision (d), it is unlawful for any person who is a retailer to sell or transfer to a person under the age of 18 any rocket, rocket propelled projectile launcher, or similar device containing any explosive or incendiary material whether or not the device is designed for emergency or distance signaling purposes. It is also unlawful for a minor to possess such a device unless he or she has the written permission of, or is accompanied by, his or her parent or guardian while it is in his or her possession.

(d) Model rocket products including model rockets, launch systems, and model rocket motors designed, sold, and used for the purpose of propelling recoverable model rockets may be sold or transferred pursuant to regulations, adopted by the State Fire Marshal which the Fire Marshal determines are reasonably necessary to carry out the requirements of this part.

12690. Expired license or permit

It is unlawful for any person to perform any act, or transact or attempt to transact any business, with an expired license or an expired permit where a license or permit is required for the performance of such act or transaction.

12691. Regulations adopted by State Fire Marshal; violation of

It is unlawful for any person to violate any provision of any regulation adopted by the State Fire Marshal pursuant to this part.

12692. Operations or functions of licensed pyrotechnic operator holding special effects license

This chapter shall not prohibit the operations or functions of a licensed pyrotechnic operator holding a special effects license when the operations or functions are a necessary part of the production and are performed pursuant to a valid permit issued by the authority having jurisdiction.

Chapter 8

PENALTIES

Sec.

12700. Offenses; punishment.

12701. Separate offense for each day of violation.

12702. Sale or delivery of dangerous fireworks to persons under 18 years of age; penalty.

12700. Offenses; punishment

Except as provided in Section 12702, any person who violates any provision of this part, or any regulations issued pursuant to this part, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

12701. Separate offense for each day of violation

A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of this part or any provision of, or any order, regulation issued pursuant to, this part.

12702. Sale or delivery of dangerous fireworks to persons under 18 years of age; dangerous fireworks having total net weight of 7,500 grains or more; penalties

(a) Any person who violates this part by selling, giving, or delivering any dangerous fireworks to any person under 18 years of age is guilty of a misdemeanor and upon a first conviction shall be punished as prescribed in Section 12700.

(b) Upon any second or subsequent conviction of the offense, the person shall be punished by the penalties of a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and by imprisonment in the county jail for one year. The person shall not be granted probation and the execution of the sentence imposed upon the person shall not be suspended by the court.

(c) Any person who violates this part involving any dangerous fireworks item, as defined in Section 12505, or any combination of any dangerous fireworks items, having the total net weight of explosive material of 7,500

grains or more, is guilty of a public offense, and upon conviction thereof shall be punished by imprisonment in the state prison, or in the county jail for not more than one year, or by a fine of not more than five thousand dollars (\$5,000) or by both the fine and imprisonment.

Chapter 9

REMEDIES

Sec.

- 12720. Injunction.**
- 12721. Seizure.**
- 12722. Fireworks subject to seizure.**
- 12723. Notice of seizure; disposal.**
- 12724. Petition for return of seized fireworks.**
- 12725. Preventing or stopping public displays.**

12720. Injunction

Any threatened violation of any provision of this part or of any order or regulation of the State Fire Marshal issued pursuant to this part may be enjoined in a civil action brought in the name of the people of the State of California. Such actions may be instituted by the Attorney General or the district attorney of the county in which the act, practice, or transaction is about to be committed.

12721. Seizure

The State Fire Marshal, his or her salaried deputies, or any chief of a fire department, or his or her authorized representatives, any fire protection agency, or any other public agency authorized by statute to enforce the State Fire Marshal's regulations, may seize any fireworks described in this part. The State Fire Marshal, any chief of a fire department, any fire protection agency, or any other public agency authorized to enforce the State Fire Marshal's regulations may charge any person, firm, or corporation, whose fireworks are seized pursuant to this section, an amount which is sufficient to cover the cost of transporting, storing, and handling the seized fireworks. When the State Fire Marshal, other enforcing officer or agency described in this section, or a court determines that a person's, firm's or corporation's fireworks are illegally or erroneously seized, or if legal proceedings do not result in a conviction for violation of any provision of this part, any funds collected pursuant to this section shall be refunded, or if charged but unpaid, canceled.

12722. Fireworks subject to seizure

The following fireworks may be seized pursuant to Section 12721:

- (a) Those fireworks which are sold, offered for sale, possessed, stored, used, or transported within this state prior to having been examined, classified, and registered by the State Fire Marshal, except those specific items designated as samples pending examination, classification, and registration by the State Fire Marshal where the licensee provides documentary evidence that such action by the State Fire Marshal is pending.
- (b) All imported fireworks possessed without benefit of the filing of notices as required by this part.
- (c) Safe and sane fireworks stored in violation of the conditions required by the permit as provided in this part.
- (d) Safe and sane fireworks sold or offered for sale at retail which do not bear the State Fire Marshal label of registration and firing instructions.
- (e) Safe and sane fireworks sold or offered for sale at retail which are in unsealed packages or containers which do not bear the State Fire Marshal label of registration and firing instructions.
- (f) Safe and sane fireworks sold or offered for sale at retail before 12 noon on the 28th day of June or after 12 noon on the sixth day of July of each year.
- (g) Each safe and sane fireworks item sold or offered for sale at retail which does not have its fuse or other igniting device protected by a cap approved by the State Fire Marshal, or groups of fireworks with exposed fuses which are not enclosed in sealed packages which bear the State Fire Marshal label or registration. The State Fire Marshal shall approve such caps as he determined provide reasonable protection from unintentional ignition of the fireworks.
- (h) Dangerous fireworks, including fireworks kits, used, possessed, stored, manufactured, or transported by any person who does not possess a valid permit authorizing any activity listed in this part.
- (i) Any fireworks stored or sold in any public garage or public oil station, or on any premises where gasoline or any other class 1 flammable liquids are stored or dispensed.
- (j) Any fireworks still possessed by a person who has just thrown any ignited fireworks at any person or group of persons.
- (k) Any model rocket engines or model rockets with engines possessed by any person not holding a valid permit.

(l) Any emergency signaling device sold, offered for sale, or used which does not bear the State Fire Marshal label of registration as required by this part.

(m) Any fireworks or pyrotechnic device offered for sale by any person violating any provision of this part.

12723. Notice of seizure; disposal

The authority seizing any fireworks under the provisions of this chapter shall notify the State Fire Marshal not more than three days following the date of seizure and shall state the reason for the seizure and the quantity, type, and location of the fireworks. Any fireworks, with the exception of dangerous fireworks, seized pursuant to Section 12721 shall be disposed of by the State Fire Marshal in the manner prescribed by the State Fire Marshal at any time subsequent to 60 days from the seizure or 10 days from the final termination of proceedings under the provisions of Section 12593 or Section 12724, whichever is later. Dangerous fireworks shall be disposed of according to procedures in Sections 12724 and 12726 Any fireworks seized by any authority as defined in this chapter, other than the State Fire Marshal or his or her salaried assistants, shall be held in trust for the State Fire Marshal by that authority.

12724. Petition for return of seized fireworks; determination; finality

(a) Any person whose fireworks are seized under the provisions of this chapter may, within 10 days after seizure, petition the State Fire Marshal to return the fireworks seized upon the ground that the fireworks were illegally or erroneously seized. Any petition filed pursuant to this section shall be considered by the State Fire Marshal within 15 days after filing or after a hearing granted to the petitioner, if requested. The State Fire Marshal shall advise the petitioner of his or her decision in writing. The determination of the State Fire Marshal is final unless within 60 days after seizure an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the fireworks seized pursuant to this part, except as provided in subdivision (b).

(b) The determination of the State Fire Marshal is final in the case of the seizure of dangerous fireworks, unless within 20 days after the notice of the determination is mailed to the petitioner an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the fireworks seized pursuant to this part.

12725. Preventing or stopping public displays

The State Fire Marshal, his salaried deputies, or any chief or his authorized representatives as qualified in this chapter may prevent, stop, or cause to be stopped, any public display in progress, or any proposed public display, when

the location, discharge, or firing of such public display is determined by him to be hazardous to property or dangerous to the public.

12726. Dangerous fireworks; disposal

The dangerous fireworks seized pursuant to this part shall be disposed of by the State Fire Marshal in the manner prescribed by the State Fire Marshal at any time after the final determination of proceedings under Section 12724, or upon final termination of proceedings under Section 12593, whichever is later. If no proceedings are commenced pursuant to Section 12724, the State Fire Marshal may dispose of the fireworks after all of the following requirements are satisfied:

- (a) A random sampling of the dangerous fireworks have been taken, as defined by regulations adopted by the State Fire Marshal pursuant to Section 12552
- (b) The analysis of the random sampling has been completed.
- (c) Photographs have been taken of the dangerous fireworks to be destroyed.
- (d) The State Fire Marshal has given written approval for the destruction of the dangerous fireworks. This approval shall specify the total weight of the dangerous fireworks seized, the total weight of the dangerous fireworks to be destroyed, and the total weight of the dangerous fireworks not to be destroyed.